

Key Points and Frequently Asked Questions About the District of Columbia Lead Laws

Questions of Special Interest to Property Owners

What disclosure requirements apply to owners of homes built before 1978?

An owner cannot obligate a buyer or a tenant to purchase or lease a home built before 1978 unless the owner first discloses to the buyer or tenant all information reasonably known to the owner about the presence of any lead-based paint and any lead-based paint hazards in the home, and all information about any pending actions ordered by a District government agency, related to lead safety. These disclosures must be submitted to the buyer or tenant on the [Disclosure Form produced by DDOE](#) and available on its website, and the Form must be signed and dated by the owner. See the [DC regulations](#) at sections 3313.1 and 3313.2.

The District of Columbia's lead disclosure requirements are not identical to the federal lead disclosure requirements. Owners should carefully read DDOE's [online instructions](#) regarding disclosure requirements.

What other documents do owners of rental homes built before 1978 have to give to their tenants?

- If a residential unit will be occupied by a household that includes a child less than 6 years of age or a pregnant woman, the owner must give that tenant a clearance report that is not more than 12 months old, documenting that the property was deemed "lead-safe" by a properly licensed lead professional on the date the clearance report was issued. A clearance report is also required if the owner is notified by the tenant that the tenant will be visited by a child less than 6 years of age or by a pregnant woman, either of whom will spend at least 3 hours on 2 different days within any given week, for a total of at least 60 hours during any given year. The property owner does not have to give a clearance report, if instead the owner provides or makes available to the tenant proof that the property is a lead-free unit. See the [DC regulations](#) at sections 3313.3 and 3313.5.
- The same requirement to submit a clearance report applies if a tenant requests it in writing from the owner, along with a statement from the tenant that there is a child less than 6 years of age or a pregnant woman who either lives in the home or is a regular visit, as described above. The same exception to this requirement also exists, as described above. See the [DC regulations](#) at sections 3313.4 and 3313.5.
- In addition, the owner of a rental unit built before 1978 must provide tenants with a [Tenant Rights Form produced by DDOE](#) and available on its website, whenever a tenant executes or renews a lease for the property, and whenever the owner provides notice of a rent increase. See the [DC regulations](#) at section 3313.6.
- Once the Tenant Rights Form is provided, the owner must record the date it was given to the tenant, confirm same with the owner's signature, and request the tenant to confirm as well by providing his/her signature and the date of receipt. See the [DC regulations](#) at section 3313.10.

- Finally, an owner of a rental unit who learns of the presence of lead-based paint or lead-based paint hazards in the unit must notify the tenant within 10 days after discovering its presence and must give the tenant (1) the Lead Warning Statement required by federal law, and (2) the lead hazard information pamphlet required by federal law, if they were not already given to the tenant within the previous year. See the [DC regulations](#) at section 3313.8.

What are a property owner's obligations regarding lead safety when a pre-1978 rental unit is about to be rented?

If the prospective occupant informs the owner that the household will either include a child less than 6 years of age or a pregnant woman, or will be visited by one for more than 60 hours during the year, the owner must give the tenant proof that the home has been found to be lead safe at some point less than a year before the date the prospective tenant signs a lease. This can be done by submitting to the prospective occupant a copy of a clearance report issued by a dust sampling technician, a lead-based paint inspector, or a risk assessor. Once done, the owner must give the prospective tenant a Clearance Report Acknowledgement Form to sign, and must retain it for at least 6 years.

Instead of providing the clearance report described above, an owner can produce either:

- A report from a risk assessor or a lead-based paint inspector confirming that the home in question is a lead-free unit; or
- Three clearance reports for that home, issued at least a year apart from each other, where the oldest such report is not more than 7 years old; but this option is not available to the owner, if the owner has been subject to any housing code or any DDOE violation enforcement order, either currently or within the previous 5 years.

See the [DC regulations](#) at sections 3313.3, 3314.1, 3314.3, and 3314.4.

What are a property owner's duties regarding lead safety when a pre-1978 rental unit is already occupied?

- If the current occupant (1) informs the owner in writing that the tenant household includes a child less than 6 years of age or a pregnant woman, and (2) requests proof of lead safety, the owner must provide the tenant with a clearance report for that home, issued by either a dust sampling technician, a lead-based paint inspector, or a risk assessor. The report must not be more than a year old. If no such report exists, the owner must produce one that is issued no more than 30 days after receipt of the tenant's written request. These requirements also apply if the current occupant informs the owner in writing that the tenant household is being visited by a child less than 6 years of age or by a pregnant woman, for at least 60 hours during the year and as otherwise specified in the regulatory definition of "regularly visits." See the [DC regulations](#) at sections 3313.4, 3314.2, and 3314.3, and the definition section 3399. The same alternative options apply as described above and in the DC regulations at section 3314.4.
- The owner has an obligation to maintain paint on the interior and exterior of residential properties, including common areas of multifamily properties, in intact, non-deteriorating condition. See the [DC regulations](#) at sections 3300.2 and 3301.1.

- When the owner or the owner's representative requests access to a tenant's home at a specific time on a specific day, and the tenant provides reasonable alternative conditions for such access, the owner or the owner's representative must meet those reasonable alternative conditions. **See the [DC regulations](#) at section 3317.5.**
- The owner must verify that any worker engaged in lead-based paint activities on the owner's behalf is appropriately trained or certified, in accordance with the law. **See the [DC regulations](#) at section 3317.8.**
- The owner must provide the tenant a copy of a clearance report showing that lead-based paint hazards identified for elimination in a DDOE Order to Eliminate Lead-Based Paint Hazards, within 7 business days of its issuance. **See the [DC regulations](#) at section 3318.5(d) and 3318.6(d).**

What are some of a property owner's most important duties with respect to DDOE?

- If you receive an Order to Eliminate Lead-Based Paint Hazards issued by DDOE, you must (1) pay the DDOE invoice received with the Order; (2) comply with the Order within 30 calendar days of its receipt, unless the deadline is extended in writing by DDOE; (3) ensure that each person working to eliminate lead-based paint hazards is either certified if conducting an abatement, or trained in lead-safe work practices if conducting non-abatement activities, and ensure that lead-safe work practices are being carried out while work is underway; and (4) submit a copy of the clearance report to DDOE, documenting that hazards have been mitigated, and submit it to the tenant if the work has been done in a tenant's home, within 7 business days of completion of the report. **See the [DC regulations](#) at sections 3318.3, 3318.5, 3318.6, and 3318.9.**
- If you are conducting or have hired someone to conduct non-abatement activities to address lead-based paint hazards in response to an Order to Eliminate Lead-Based Paint Hazards, a clearance report must be submitted to DDOE by the property owner, no later than 7 business days after issuance of the Order. The initial clearance examination may only be conducted by a risk assessor, and the initial clearance report may only be issued by a risk assessor, but any subsequent clearance examination may be conducted, and any subsequent clearance report may be issued, by a risk assessor, a lead-based paint inspector, or a dust sampling technician. **See the [DC regulations](#) at sections 3315.4, 3315.5, 3315.8, and 3318.8.**
- An owner of residential housing or a child-occupied facility built before 1978 must keep records for at least 6 years, of all lead-related reports received pertaining to the property, as well as all documents showing what lead-related forms and other documents have been provided, and when they have been provided, to any prospective purchasers of the property and to any prospective and current tenants of the property. An owner must also provide DDOE and tenants access to these documents upon request. **See [the Act](#) at D.C. Code section 8-231.13, and see the [DC regulations](#) at sections 3313.9 and 3313.10.**